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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,135	03/26/2004	Brian Patrick Castello	18063 (AT: 20958-2116)	8840
7590	01/14/2005		EXAMINER	
Robert Kapalka Tyco Electronics Corporation Suite 140 4550 New Linden Hill Road Wilmington, DE 19808			HAMMOND, BRIGGITTE R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/810,135	CASTELLO ET AL.
	Examiner	Art Unit
	Brigitte R. Hammond	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/12/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a guide member, classified in class 439, subclass 378.
- II. Claims 13-18, drawn to a stacked circuit board assembly, classified in class 439, subclass 540.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as the guide member can be used with a connector assembly. See MPEP § 806.05(d).

During a telephone conversation with Robert Kapalka on January 4, 2005 a provisional election was made with traverse to prosecute the invention of a guide member, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Briggs et al. 5,125,849. Regarding claim 1, Briggs discloses a guide module 30 comprising: a body 31 having opposed top and bottom surfaces; and a locating feature 32 located on one of said body top and bottom surfaces, said locating feature establishing a stack height that could be used for a secondary circuit board with respect to a primary circuit board.

Regarding claim 7, Briggs discloses a guide module 30 that could be used for connecting primary and secondary circuit boards comprising: a body 31 including opposed top and bottom surfaces; and a locating feature 32 located on one of said body top and bottom surfaces, said locating feature defining a stacking plane for the secondary circuit board when the secondary circuit board is coupled to the primary circuit board.

Regarding claims 2 and 8, guide module 30 includes a front face defining a plane that is aligned perpendicular to a mating direction of the primary and secondary boards.

Regarding claims 3 and 9, said body includes a front face between said top and bottom surfaces defining a receptacle 40.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,6,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briggs et al. in view of Speraw et al 5,018,982. Regarding claims 5 and 11, Briggs discloses the invention substantially as claimed. Briggs does not disclose the locating feature comprising a raised fitting/boss, said raised fitting including a top surface defining a hole for receiving a fastener. However, Speraw et al. discloses a guide module 40 having a locating feature comprising a raised fitting, said raised fitting including a top surface defining a hole for receiving a fastener 19. Therefore, it would have been obvious to one of ordinary skill to modify the guide module of Briggs et al. by providing a locating feature comprising a raised fitting and a hole for securing the boards as taught by Speraw et al.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briggs et al. in view of Crowley 5,963,432. Regarding claims 4 and , Briggs discloses the invention substantially as claimed. Briggs does not disclose the locating feature comprising a raised fitting with a centering rib. However, Crowley discloses a guide module 200 having a locating feature comprising a raised fitting with a centering rib 270. Therefore, it would have been obvious to one of ordinary skill to modify the guide module of Briggs et al. by providing a locating feature comprising a raised fitting and a rib for securing the boards as taught by Crowley.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cermack, III et al. 6,726,505, Bujalski et al. 5,825,633,

Alexander 4,444,318, Weber et al., 4,820,169, Toyota 6,739,880 and Delpech et al. 4,875,140 were cited for similar modules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brigitte R. Hammond
Examiner
Art Unit 2833

January 5, 2005